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REMARKS

Claims 1-47 are currently pending in the subject application and are presently under consideration. Claims 1, 5, 6, 10, 33, 44 and 47 have been amended as shown on pp. 2-9 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-47 Under 35 U.S.C. §102(e)

Claims 1-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gotou *et al.* (US 2002/0013635 A1). This rejection should be withdrawn for at least the following reasons. Gotou *et al.* does not disclose or suggest every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it **expressly or inherently describes each and every limitation set forth in the patent claim.** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The **identical invention must be shown in as complete detail as is contained in the ... claim.** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claimed invention relates to a system that facilitates optimizing industrial business operations, including a component for receiving data relating to the state(s) of machines that are part of the industrial business operations, and a prognostics engine that infers future state(s) of the operations based in part on the received data. Amended independent claims 1, 10, 33, 44 and 47 recite similar limitations, namely that the prognostics engine includes: *a plurality of intelligent software agents that serve as proxies for at least the subset of machines, for modeling and representing interactions with one another, and for facilitating convergence on modification and control of the subset of machines, for efficiently optimizing industrial business operations.* Gotou *et al.* does not disclose or suggest these novel features of applicant's claimed invention.

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Gotou *et al.* relates to a system for monitoring the status of abnormality and lifetime of machine components such as a bearing having rolling elements. With respect to claim 1, the Examiner asserts that Gotou *et al.* discloses a system having a component for receiving machine data and a prognostics engine for inferring future states of machines from this data, citing paragraphs [0011], [0012], [0013], [0051] and [0052]. However, these cited passages simply disclose a system capable of remotely monitoring and determining the status of lifetime of machine components sold to a client corporation. A machine component monitoring and diagnosing system is disclosed therein that includes a *sensor for detecting a factor associated with lifetime of a machine component*. The sensor data is transmitted to a remote business establishment, where it is received by a *diagnosing means for diagnosing the status of the lifetime of the machine component*. In this way, the business establishment can remotely diagnose and monitor the status of machine components at a client corporation. However, the cited passages of Gotou *et al.* are deficient in that they fail to disclose or suggest a “prognostics engine” that includes a *plurality of intelligent software agents for modeling and representing interactions between the subset of machines, for efficiently optimizing industrial business operations*, as recited in the present independent claims. Therefore, it is respectfully submitted that Gotou *et al.* fails to disclose “every aspect of the claimed invention” as is required in order to show anticipation. Thus, it is apparent that the cited document and the claimed invention are distinguishable on this ground. Accordingly, the rejection should be withdrawn with respect to independent claims 1, 10, 33, 36, 37, 44 and 47 (and claims that depend therefrom).

Claim 38 recites a *data packet adapted to be transmitted between at least two computer processes, comprising a data field comprising information relating to regulating operation of a business component based at least upon prognostic data concerning a machine*. In rejecting of claim 38, the Examiner simply cites Fig. 24 of Gotou *et al.* However, it is not clear where a data packet having the claimed limitations can be found from Fig. 24. It is respectfully requested that the Examiner either specifically point out the claimed features or else withdraw the rejection. In any event, it is not established that Fig. 24 shows “every aspect of the claimed invention” in order to

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make a satisfactory showing of anticipation (MPEP 706.02), and so the rejection of claim 38 should be withdrawn.

Claim 39 recites *an industrial automation layout methodology* including a number of specific steps. In rejecting this claim, the Examiner again cites Fig. 24 of Gotou *et al.* In regards to the claimed step of *analyzing machine related prognostic data*, the Examiner cites “business establishment (101) of the manufacturing and selling corporation.” In connection with the claimed steps of *analyzing business concern data* and *analyzing business objective data*, the Examiner respectively cites “PROPER REPLACEMENT BUDGET” and “PROPER STOCK MANAGEMENT.” However, these elements are shown in Fig. 24 as a bullet list next to “business establishment (102) of the client corporation.” And with respect to the step of *specifying machine acquisition based at least in part upon the analyses*, the Examiner cites paragraphs [0057] and [0075] of Gotou *et al.* However, these paragraphs are directed to steps of inventory control and budget planning. Thus, it is apparent that the cited passages do not meet the limitations of the claimed invention, and the claimed invention is distinguishable on at least this ground. Accordingly, the rejection of claim 39 should be withdrawn.

Claim 40 recites *a computer-implemented method for ordering parts in an industrial automation environment*. In regards to the claimed step of *automatically receiving an analyzing data relating to a prognosis of a future state of a machine*, the Examiner again relies on “business establishment (101) of the manufacturing and selling corporation.” In connection with the claimed steps of *automatically inferring a failure period for at least one part of the machine* and *automatically ordering a replacement for the at least one part prior to the inferred failure period*, the Examiner again cites paragraph [0057] of Gotou *et al.* However, it is clear from this cited passage that Gotou *et al.* is simply concerned with maintaining an inventory of parts on hand so as to foresee upcoming demands for replacement parts. Clearly, Gotou *et al.* is not performing steps of “inferring a part failure” and “automatically ordering a replacement prior to an inferred failure period” as are performed in the claimed invention. Thus, the cited document and the invention are distinguishable on this ground, and the rejection of claim 40 (and claims that depend therefrom) should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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